



STATE OF NEW JERSEY

In the Matter of Claudette Lattimore,
Coordinator MVC (PS8479T), Motor
Vehicle Commission

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2023-1611

Examination Appeal

ISSUED: May 3, 2023 (SLK)

Claudette Lattimore appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Coordinator MVC (PS8479T), Motor Vehicle Commission.

The subject examination’s closing date was April 21, 2022. The education requirements were a Bachelor’s degree. The experience requirements were four years of supervisory experience in a regulatory agency including responsibility for employee performance evaluations and the oversight of activities and staff over one or more regulatory agency programs in a government agency. Applications who did not possess the required education could have substituted additional experience as indicated one a year for year basis with 30 semester hour credits being equal to one year of experience. A total of 13 employees applied and five were admitted to the examination. The test is scheduled to be administered on April 20,2023. As such, the list has not yet promulgated.

On the appellant’s application, she indicated that she had a Doctorate degree from Grace Hill Bible University, a Master’s degree from Grace Hill Bible College and a Bachelor’s degree from Eastern Bible Institute. She also indicated that she participated in a Nursing Internship in Newark that was part of a college curriculum. However, she did not indicate the college where this internship was part of the curriculum. The appellant also indicated that she was a Compliance Officer 2 MVC from June 2018 to the closing date, a part-time President/Certified Counselor for In

His Presence Outreach Ministry from December 2009 to the closing date, a Founder and Facilitator for In His Presence Outreach Ministry from December 2008 to the closing date, a Compliance Officer 1 MVC from June 2010 to June 2018, a part-time Pastor and Facilitator for UAB-New Life Christian Church from May 2010 to May 2018, a part-time President for Jamaica Organization of New Jersey from May 2015 to January 2017, a part-time Licensed New Jersey Mortgage Solicitor for Mercer Mortgage Corporation from February 2008 to May 2010, and a Field Monitor 2 from February 1995 to April 2010. Personnel records indicate that she was a Compliance Officer 2 MVC from June 2019 to the closing date, a Compliance Officer 1 MVC from July 2010 to June 2019, a Field Monitor 2, Division of Motor Vehicles from March 1999 to July 2010, a Safety Specialist 1, Division of Motor Vehicles from June 1992 to March 1999, a Safety Specialist 2, Division of Motor Vehicles from August 1988 to June 1992, a Safety Specialist 3, Division of Motor Vehicles from June 1988 to August 1988, and an Examination Technician, Division of Motor Vehicles from January 1987 to June 1988. The Division of Agency Services determined that, per the substitution clause for education, the appellant lacked the required eight years of applicable supervisory experience.

On appeal, the appellant asserts that she is more than qualified based on her service with the appointing authority since January 1987. She presents an African-American male and an African-American female were provisionally appointed to Compliance Officer Supervisor MVC¹ while she did not receive such an appointment. The appellant claims that the appointing authority's human resources department (human resources) and this agency tried to discredit by not accepting her college education. She claims that she is being discriminated against as she worked hard for her education. The appellant states that there is a difference between secular and church. She also notes that she attended Rutgers College of Nursing in Newark for two and one-half years; yet she indicates that human resources did not credit her for this education. The appellant states that her nursing credits should have been in her file. She believes that her denial of eligibility for the subject examination is an attempt to destroy her mentally, emotionally, and financially. The appellant argues that if she does not meet the eligibility requirement for the subject examination than others do not either. She states that the Coordinator MVC that she serves under came from a different department without knowledge of her department. The appellant indicates that every time she applies for a position in the subject title, she is denied, and she believes that she has not been appointed to the subject title because she is an African-American woman. She presents a Hispanic Caucasian female who was promoted from Compliance Officer 1 to Supervisor 2 MVC and then provisionally

¹ A review of the job specification indicates that Compliance Officer Supervisor MVC requires an Associate's degree and four years of certain non-supervisory experience. Further, there is a substitution clause so one can become eligible without college credits based on six years of applicable experience. Agency records do not indicate that either provisional appointees that the appellant highlights applied for the subject examination.

appointed in the subject title while she asserts that African-Americans are forced to go through preliminary steps.

The appellant also claims that a minor disciplinary action against her where she received a two-day suspension for conduct unbecoming a public employee was biased and discriminatory based on age and race. She states that her accusers were all Caucasian or Hispanic and this disciplinary action was a collaborative effort to destroy her. She denies that she engaged in conduct unbecoming as alleged. She claims that human resources denied her a provisional position in the subject title by no longer accepting her education, while others who she states that she has more experience than were appointed. The appellant presents that Grace Hill Bible University is accredited by the Global Accreditation Association of Biblical Institutions, which is authorized by the State of New Jersey. Further, she indicates that the Christian Outreach Bible Institute has its accreditation exempt from the requirement of licensure by the University of North Carolina under North Carolina law. She provides that exemption from licensure is not based upon any assessment of program quality under established standards.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C. 4A:4-6.3(b)* provides that the appellant has the burden of proof in examination appeals.

In this matter, a review of the appellant's application and appeal indicates that Agency Services correctly determined that she was not eligible for the subject examination. Regarding the appellant's education, it is the policy of this agency to confirm college or university accreditation based on the United States Department of Education (USDOE) database, <https://ope.ed.gov/dapip/#/home>, the Council for Higher Education Accreditation database (CHEA), <https://www.chea.org/directories>, or the Distance Education Accrediting Commission (DEAC) website, <https://www.deac.org/>. However, a review of the appellant's education listed on her applications does not indicate that her colleges and universities were accredited by organizations recognized by these confirming institutions. Therefore, it was appropriate for the appointing authority to not credit the appellant as having met the Bachelor's degree requirement when evaluating her for a provisional appointment in the subject title. Similarly, her education cannot be credited on a Civil Service examination. Concerning the appellant's comments about the separation between secular and church, it is noted that one can obtain a degree from a religious institution and still potentially receive college credit. For example, if you type in "theological" into the CHEA database, many institutions are recognized as accredited colleges. Therefore, the issue is not that the appellant received her degrees from religious organizations. Instead, the issue is that her degrees are from institutions whose accreditation is not from organizations that are recognized by the confirming

organizations that this agency uses. The fact that her education was accredited by an organization or that the State of New Jersey and the State of North Carolina recognize the existence of these institutions does establish that the institutions are accredited for Civil Service purposes. Referring to the appellant's two and one-half years attending Rutgers College of Newark, as the appellant did not indicate this education on her application, she cannot receive credit for it on this examination as this would be an amendment to her application after the closing date. *See N.J.A.C. 4A:4-2.1(f)*. It is noted that the appellant is advised that she should indicate her college nursing experience on any future applications, including indicating how many credits she earned.

Regardless, even if the appellant was credited for either fully or partially having met the education requirements, she still would not be eligible as she needed four years (or up to eight years per the substitution clause of experience for education) of supervisory experience in a regulatory agency including responsibility for employee performance evaluations and the oversight of activities and staff over one or more regulatory agency programs in a government agency. However, a review of the appellant's application, appeal, and agency records does not indicate that the appellant has served in any supervisory position while working in State service nor has she indicated that she has performed employee performance evaluations while serving in any regulatory agency. It is noted that on the appellant's application, the appellant listed her current position as "Compliance Officer 2-Team Leader" and she indicated that she supervised 17 professional staff and four support staff. However, Compliance Officer 2 MVC is a lead worker title, as recognized by the appellant indicating that she is a "Team Leader," and she has not indicated that she signed formal performance evaluations for subordinate employees. Therefore, the record indicates that the appellant has lead worker experience and not supervisory experience as indicated on her application. Performance evaluation authority is a reasonable standard because it is the means by which it can be demonstrated that a supervisor can exercise his or her authority to recommend hiring, firing, and disciplining of subordinate employees. *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). Further, the appellant's supervisory experience outside of State service is not applicable as the supervisory experience needs to be for a regulatory agency.

Referring to the appellant's comments that she is more qualified than others based on her service with the appointing authority since January 1987, mere length of service is insufficient for eligibility for the subject examination, as an applicant needed to possess the required education and/or supervisory experience as indicated in the announcement to be eligible. Concerning the African-American male and female employees that the appellant highlights who were provisionally appointed to Compliance Officer Supervisor MVC, vacancy postings are initiated by the appointing authority and they are not monitored by this agency. Such postings are used by the appointing authority to generate a list of interested individuals to fill vacant

positions. As such, this agency had no involvement in their provisional appointments. However, even if the appellant has greater service time than these employees, the appointing authority is free to provisionally appoint any candidates based on who it determines is the best fit, so long as those candidates meet the minimum eligibility requirements. Moreover, as the appointing authority provisionally appointed two African-American candidates, including an African-American female, there does not appear to be any basis to her allegations that African-Americans are being discriminated against in the appointment process. It is noted that if provisionals continue to serve as Compliance Officer Supervisor MVCs, at some point in the future, this agency shall announce an examination for permanent positions in this title, and the appellant can apply at that time if she believes she meets the requirements. This agency will then determine eligibility based on that examinations requirement and the appointing will need to make its permanent appointments in a manner that complies with Civil Service law and rules.

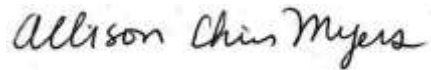
Concerning the Hispanic Caucasian female who was promoted from Compliance Officer 1 MVC to Supervisor 2 MVC and then provisionally appointed in the subject title, in addition to other criteria, the Supervisor 2 MVC (PS4869T), Motor Vehicle Commission promotional examination required two years of experience which must have been in a supervisory capacity performing one or a combination of the following functions: review and analysis of driver records; driver testing; damage and/or insurance claim evaluations or adjustment work; receipt, review, analysis/evaluation and/or response to customer inquiries and/or complaints; vehicle safety/compliance inspection, performing varied vehicle inspections; or other similar work areas related to the administration of motor vehicle regulations. The Hispanic Caucasian female in question satisfied the supervisory requirement while the appellant's application did not indicate any applicable supervisory experience. Therefore, there is no basis to find that the appellant was discriminated against in her non-eligibility/non-appointment for this position. Regarding the appellant's minor discipline, the appellant had the ability to challenge this through the contractual or non-contractual minor disciplinary procedures set forth in *N.J.A.C. 4A:2-3.2, et seq.* However, for the reasons stated above, the appellant's minor discipline had no bearing on this agency's determination that she does not meet the eligibility requirements for the subject examination and it was appropriate for the appointing authority not to provisionally promote her to Coordinator MVC since she does not meet the eligibility requirements for this title. As such, Agency Services' determination that the appellant did not meet the eligibility requirements is amply supported in the record.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 3RD DAY OF MAY, 2023



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